IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 846 of 2005
To
FIRST APPEAL No. 849 of 2005

With

CROSS OBJECTION No. 103 of 2005
To
CROSS OBJECTION No. 106 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
HON'BLE MR.JUSTICE M.C.PATEL

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

SPL.LAQ OFFICER - Appellant(s)

Versus

PANCHAL CHAMPABEN MAFABHAI & 1 - Defendant(s)

==========

Appearance :
MR AD OZA, GOVERNMENT PLEADER for Appellant No(s).: 1.
None for Respondent No(s).: 1,2.

==========

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date : 26/07/2005

COMMON ORAL JUDGMENT (Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Identical First Appeal No.3217 of 2004 and allied appeals have been decided today i.e. on 26th July, 2005. For the reasons recorded in it, all these appeals are also required to be partly allowed. Accordingly, all these appeals are partly allowed by reducing the amount awarded by the Reference Court in addition to the amount already awarded by the Special Land Acquisition Officer and it is held that the respondents – claimants would be entitled to compensation at the rate of Rs.12/- per sq. mtr., in all.

2. Similarly, cross-objections filed by the claimants in all the appeals are required to be allowed on two points (1) regarding the interest on solatium not awarded by the Reference Court and (2) the interest on the 12% price difference under Section 23(1)(A) of the Land Acquisition Act not awarded by the Reference Court. Now, it is a well-settled law by the Apex Court that the claimants are entitled for the interest on the solatium amount as well as 12% price difference under Section 23(1)(A) of the Land Acquisition Act. The Reference Court has wrongly disallowed their claims on these points. Accordingly, the cross-objections are allowed

and it is held that the respondents – claimants are entitled to get interest on the amount of solatium awarded under section 23(2) of the Land Acquisition Act as well as interest on 12% price difference on the amount under Section 23(1)(A) of the Land Acquisition Act.

(B.J. Shethna, J.)

(M.C. Patel, J.)

hki